

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.1341 OF 2005

Shri Ramchand K. Achra and anr. ... Petitioners
v/s

Shri Gul K. Achra and ors. ... Respondents

Mr R.S. Apte i/b Mr N.R. Bubna for Petitioners.
Ms A. Bhansali i/b M/s Ashwin Ankhad and Associates for
Respondent Nos.1 and 2.

CORAM : **D.K. DESHMUKH J.**
DATE : **24TH AUGUST 2005.**

P.C.

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1. By the order impugned, the Trial Court has rejected the application filed by the plaintiffs for division of part of a claim with leave of the Court to institute a fresh suit in relation that claim. The main reason given by the Trial Court is that an application for the said relief was earlier made and that application was rejected. The submission of the learned counsel appearing for petitioners is that there is a fresh event took place viz. part of the property is transferred and therefore, a fresh application for leave was made. In my opinion, there is no substance in the submission because if there is a fresh cause of action, then no leave of the Court is necessary. Therefore, the alleged subsequent event could not justify filing of the application before the Court. I do not see any illegality in the order impugned. Petition is rejected.

. Parties to act on the copy of this order duly authenticated by the Sheristedar / Personal Secretary of this Court as true copy.

. Certified copy expedited.
